

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY MAYS, Individually and on)
behalf of a class of similarly situated persons;)
and JUDIA JACKSON, as next friend of)
KENNETH FOSTER, Individually and on)
behalf of a class of similarly situated persons)
Plaintiffs-Petitioners,)
v)
THOMAS DART, Sheriff of Cook County,)
Defendant-Respondent)

Case No. 20-cv-2134

DECLARATION OF BRAD CURRY

I, Brad Curry, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am currently employed by the Cook County Sheriff's Office (CCSO) in the position of Chief of Staff.
2. I previously executed a sworn Declaration concerning the CCSO's response to the Novel Coronavirus ("COVID-19") pandemic, filed on April 7, 2020 under Dkt. #31-3. Each and all paragraphs under said declaration are incorporated and re-stated herein.
3. I am familiar with Court's order entered April 9, 2020 requiring the CCSO to report to the Court certain steps taken to combat the spread of COVID-19 in the Cook County Department of Corrections ("CCDOC").

COVID-19 Testing

4. As of April 10, Cermak Health Services ("Cermak") had implemented rapid testing for Cook County Department of Corrections ("CCDOC") detainees through Abbott Laboratories and the Illinois Department of Public Health.
5. Cermak is the primary custodian of records related to testing.
6. In addition to the current CCSO Health Inquiry Policy, the CCSO issued the "COVID-19 Health Inquiry Referral for Medical Care, Testing, and other Medical Diagnostics Procedure," which was enacted on April 11, 2020 and is attached hereto as a supporting exhibit.

Quarantine & Social Distancing

7. The CCSO has implemented social distancing policies across the CCDOC compound, with the most recent requirements in effect on April 10, 2020.
8. The Reception Classification and Diagnostic Center (“RCDC”) holds all arrestees who await their bond hearings in a separate, distinct location (hereafter “Arrestees”). Detainees who have already been remanded to CCDOC custody and are awaiting intake procedures are held by RCDC in a separate, distinct location (hereafter “Detainees Awaiting Intake”). Once intake is complete, Custodial Detainees are assigned to tiers based on a screening protocol (hereafter “Custodial Detainees”).
9. Arrestees are brought to RCDC in groups of no more than three individuals, once per day. Between March 1 and April 12, the number of Arrestees moving through CCDOC has steadily decreased. The highest volume being 227 Arrestees on March 9, compared to the lowest volume of 43 Arrestees on April 6.
10. Previously, Arrestees were housed in holding cells, or “bullpens,” to await bond hearings. Currently, Arrestees are seated in chairs spaced at least six feet apart in hallways in the basement and on the first floor of RCDC. The attached document entitled “New RCDC Male Holding Outline Video Court Process,” is a true and accurate representation of the Arrestee waiting area.
11. Upon arrival to RCDC, each Arrestee is given a surgical mask and CCSO staff provides them with a dollop of hand sanitizer.
12. CCDOC staff assigned to RCDC administer verbal COVID-19 screening for each Arrestee and take each Arrestee’s temperature. If the Arrestee’s temperature is over 99.3 degrees, or if the Arrestee reports suspected COVID-19 symptoms, CCDOC returns the Arrestee to the arresting agency to transfer the Arrestee to an outlying hospital for treatment and isolation. If neither of those factors are present, the Arrestee is returned to his seat to await his bond hearing.
13. CCSO has placed signage across RCDC with information concerning COVID-19 symptoms, and is in the process of installing TV monitors in receiving areas to display the same. Such signage has been in place since at least April 9, 2020, with examples attached hereto as supporting exhibits.
14. After his bond hearing, the Arrestee is either released, or is transferred to the intake area of RCDC for further processing. Once all Arrestees are moved out of the Arrestee holding area, CCSO staff sanitizes the area.
15. Detainees Awaiting Intake each have masks, have had their hands sanitized, and have received verbal screening and temperature checks from the arrestee stage. Between March 1 and April 12, the number of detainees booked into the CCDOC has steadily decreased. The highest volume being 117 Detainees Awaiting Intake on March 8, compared to the lowest volume of 9 Detainees Awaiting Intake on April 6.

16. Detainees Awaiting Intake are moved through different areas of RCDC for processing, including but not limited to: physical search, contraband search through CCDOC metal detectors, booking and ID assignment, and a standard medical evaluation by Cermak to determine any medical needs.
17. Detainees Awaiting Intake at each stage are either seated, or directed to stand, at least six feet apart. Six foot spacing is marked on the floor with blue tape for guidance.
18. CCSO has placed signage across RCDC intake areas with information concerning COVID-19 symptoms.
19. After intake is complete, the now Custodial Detainees are taken to their assigned housing tiers. All new Custodial Detainees are assigned to Quarantine Tiers for the first fourteen (14) days of their stay. After the Quarantine period as expired, each Custodial Detainees is transferred to general population.
20. The modified Arrestee and intake procedures described above can be maintained while the number of arrestees and detainees remains below a level of approximately 45 Arrestees. However, if these populations rise beyond that threshold number at one time, CCSO may no longer be able to maintain these modified procedures. We are continuing to explore contingency plans and adapted procedures to accommodate such a change, including utilizing empty tiers for holding Arrestees as they await their bond hearings.

Sanitation

21. All Custodial Detainees are provided soap. Each detainee is provided soap by correctional officers assigned to the tiers. Each tier has received hand sanitizer, which detainees and employees may access. Soap, hand sanitizer, and cleaning supplies are replenished throughout each shift as needed. Records reflecting deliveries of supplied to each tier are maintained by the Divisions.
22. The Incident Command Center (“ICC”) tracks daily supply requests and deliveries, and has prepared a distribution plan with a timeline regarding soap and cleaning supplies, including—for illustration—the following:
 - a. Delivery and distribution of thousands of units of soap and/or hand sanitizer to divisions on April 10, 2020
 - b. Delivery and distribution of sanitation/cleaning supplies on April 10, 2020
 - c. Soap and sanitation supplies will be delivered at least twice per week
23. The CCSO is also in the process of procuring additional cleaning services from different vendors through the Cook County Department of Emergency Management, in order to supplement current practices.
24. Deliveries of soap and cleaning supplies, and distribution to detainees, are captured and preserved on stationary cameras.

25. An amended Sanitation Procedure, titled “Amended Sanitation Guidelines Specific to COVID-19” was enacted on April 11, 2020 and is attached hereto as a supporting exhibit. Enhanced sanitation logs were implemented in conjunction with this procedure.

Personal Protective Equipment

26. The CCSO has continued to work diligently to obtain and distribute personal protective equipment (“PPE”) across CCDOC.
27. On April 11, 2020 the CCSO sent additional requests to IEMA and FEMA in accordance with this Court’s order, in order to prioritize deliveries of all PPE, but particularly delivery of masks and gowns.
28. Deliveries of PPE and distribution to staff—and, where appropriate, detainees—are captured and preserved on stationary cameras.
29. As of April 11, 2020, all Custodial Detainees assigned to Quarantine Tiers are issued a new surgical mask each day. Assuming that IEMA and/or FEMA deliver the requested amount, the Sheriff’s Office inventory of masks is expected to last until approximately June of 2020. The CCSO will continue to exhaust every venue for obtaining PPE.
30. Based on present usage and the new requirement to provide surgical masks to the Custodial Detainees assigned to the Quarantine Tiers, we anticipate that we will exhaust our current supply in 6 to 7 days if we do not receive a shipment.
31. The CCSO is working to supply the general population of detainees with non-PPE cloth masks, for their comfort and for security purposes to avoid any conflicts related to the provision of masks to other detainees on the Quarantine Tiers. The CCSO has ordered 50,000 non-PPE cloth masks as of April 12, 2020.

Implementation

32. The COVID-19 Health Inquiry Referral for Medical Care, Testing, and other Medical Diagnostics Procedure was enacted on April 11, 2020.
33. The Amended Sanitation Policy was enacted on April 11, 2020.
34. The CCSO is finalizing its COVID-19 Social Distancing Policy, to reflect the procedures defined in this Declaration.
35. All CCSO staff, including all CCDOC correctional officers, were notified of the implementation of the new policies and procedures through office-wide electronic correspondence and by way of directives given at roll call.
36. CCSO Video Monitoring Unit and PPE and Maintenance Team are reviewing fixed surveillance video and documentation on a daily basis to confirm compliance with these policies and procedures.

37. All CCDOC staff assigned to Arrestee and Detainees Awaiting Intake areas of RCDC received a roll call memo specifically informing them of the new procedures defined under the Health Inquiry Policy.
38. Copies of the signage posted in RCDC Arrestee and Detainee Awaiting Intake areas are attached hereto as supporting exhibits, which reflect information regarding COVID-19 symptoms, prevention behaviors, and instructions to report symptoms. These postings are also displayed throughout the CCDOC compound and on tiers.
39. There were 5,087 bookings from March 1, 2020 to April 12, 2020 and the average number of daily bookings was 118. The current custodial population as of the date of this Declaration is 4,367.
40. Approximately 1,500 detainees are currently assigned to Quarantine tiers as, although they are asymptomatic, they were exposed to someone with suspected COVID-19 symptoms. This number is down from 1,719.
41. CCSO staff, including CCDOC supervisory and CCSO executive staff, are conducting regular walkthroughs of the divisions and are auditing daily sanitation logs in order to ensure compliance.

I, Brad Curry, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated this 13th day of April 2020.


